

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:	:
Bhupesh Gupta	:
	: Before the Examiner:
Serial No: 09/997,915	: Gautam Sain
	:
Filed: 11/29/2001	: Group Art Unit: 2176
	:
Title: APPARATUS AND METHOD	: Confirmation No.: 6707
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NOTICE OF APPEAL UNDER 37 C.F.R. 41.31

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Appeals from the Decision of the Primary Examiner of December 01, 2006 to reject the claims.

In a Final Office Action dated August 25, 2005, the Examiner rejected the claims in this Application under 35 U.S.C. §102(b) as being anticipated by Burke. On December 11, 2005, Applicants appealed this decision.

In an Office Action dated February 23, 2006, the Examiner re-opened the Application's prosecution. In that Office Action, the Examiner rejected the claims under 35 U.S.C. §103(a) as being unpatentable over Burke in view of Li et al. Applicants reinstated the Appeal on May 22, 2006.

The Examiner, again, re-opened prosecution of the Application in an Office Action dated December 01, 2006. In this Office Action, the Examiner rejected the claims (Claims 1 – 33) under 35 U.S.C. §102(e) as being anticipated by Khan. Again, Appellants are reinstating the appeal.

This Notice of Appeal is submitted pursuant to a concurrently filed Appeal Brief under 37 CFR §41.37.

AUS920010888US1